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CHARLES PRITCHETT,

Plaintiff,

-against-

THE CITY OF NEW YORK, CAPTAIN
WILLIAM McSORLEY, POLICE OFFICER
ROBERT CANDREA, POLICE OFFICER
WILSON, POLICE OFFICER ERIK
CHRISTIANSEN; POLICE OFFICER MINDY
ANGUEIRA, POLICE OFFICER JAMES
ROGERS, AND "JOHN/JANE DOES # 1-5
Believed to be members of the NEW YORK
CITY POLICE DEPARTMENT,

Defendants.
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ORDER

07cv3169(HB)

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6-5-08

Hon. HAROLD BAER, JR.,

WHEREAS the parties in this matter appeared before me on June 3, 2008 by telephone regarding their cross-motions for relief and sanctions pursuant to Fed. R. Civ. P. 37; and

WHEREAS the parties resolved most of the outstanding discovery matters without my having to rule on the Rule 37 motion at this time; it is hereby

ORDERED that the discovery schedule remains unchanged from the original deadline of June 30, 2008; and it is further

ORDERED that the Plaintiff's counsel will secure expeditiously from the Plaintiff, Mr. Pritchett, executed § 160.50 releases for any criminal records related to Mr. Pritchett; and it is further

ORDERED that the Plaintiff has provided or will promptly provide the location and DIN number of Mr. Pritchett and otherwise facilitate a deposition of the Plaintiff by the City; and it is further

ORDERED that the Corporation Counsel is to provide the names and addresses of all New York City Police officers who may have been present at the scene of arrest; and it is further

ORDERED that by the end of business June 4, 2008, the City is to turn over an unredacted copy of the Civilian Complaint Review Board investigative report underlying the incident along with any proposed redactions and the basis for any such redactions for review *in camera* by this Court; and it is further

ORDERED that the parties will enter into a protective order covering all the records, etc. produced to the Court today; and it is further

ORDERED that any new evidence produced by the City after May 29th will likely be precluded from use at trial; and it is further

ORDERED that the deposition schedule of the defendants listed below will take place according to the following stipulated schedule. As for non-party witnesses, they will, if Plaintiff desires, be subpoenaed and the City will alert them and if necessary their Precinct Captain that it is their duty to attend:

June 16, 2008 10:00 a.m. Erik Christiansen;
June 18, 2008 10:00 a.m. P.O. Wilson;
June 19, 2008 10:00 a.m. Robert Candrea;
June 24, 2008 10:00 a.m. Mindy Angueira;
June 25, 2008 10:00 a.m. Robert Rogers;
June 23, 2008 10:00 a.m. Detective Tania Chemerys;
June 23, 2008 2:00 p.m. P.O. Kyle Cummings;
June 30, 2008 11:00 a.m. Sergeant Michael Hurley;

and it is further

ORDERED that in exchange for the City's submission of conclusive evidence—conclusive in the eyes of the Court—that named Defendant James Rogers was not an employee of the New York City Police Department at the time of the Plaintiff's arrest and was not present or involved in the incident, the Plaintiff will promptly dismiss him from the action.

SO ORDERED
New York, New York
June 4, 2008



U.S.D.J.